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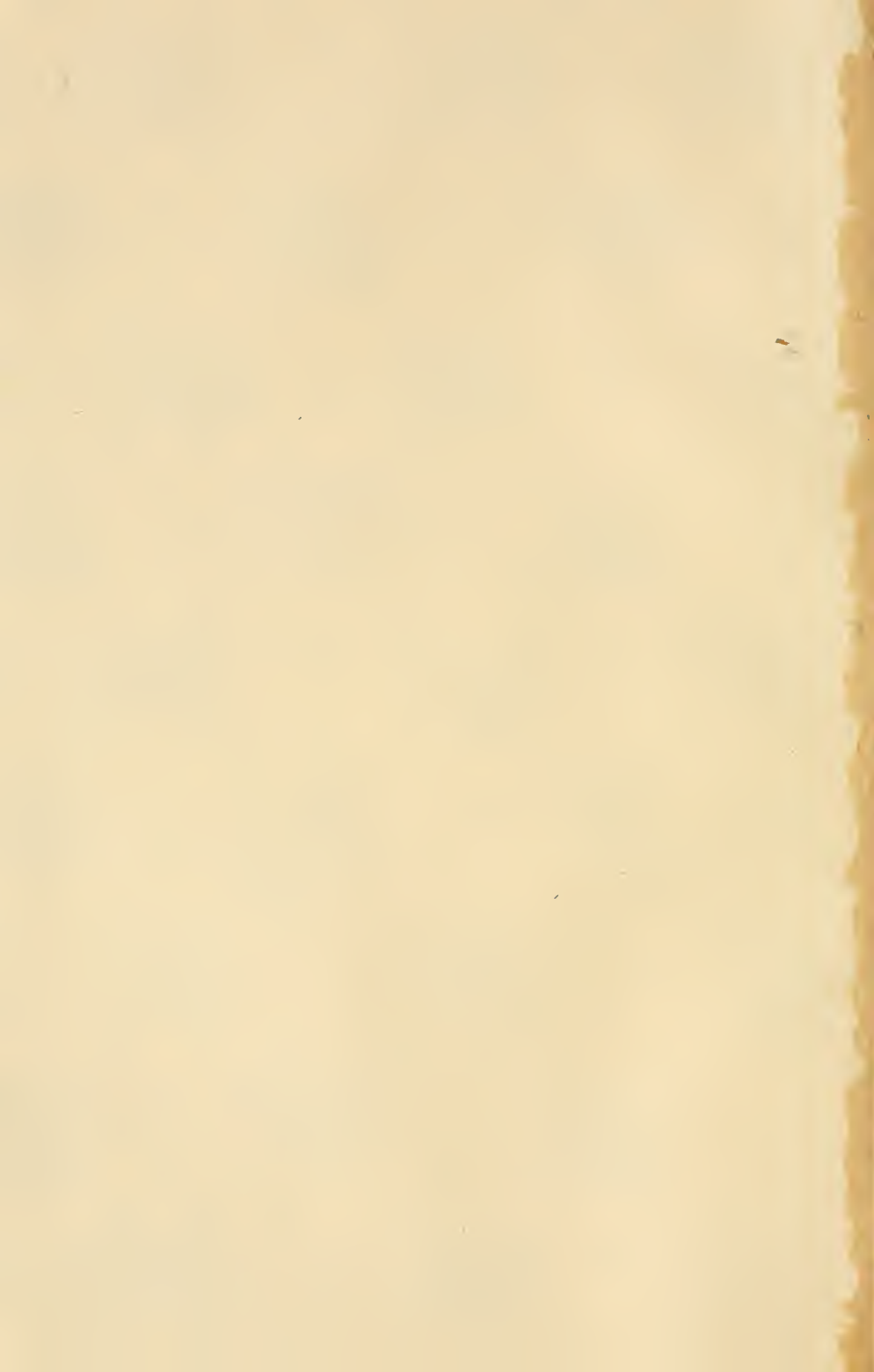
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Rhode Island brigade. 1776-1780.

STATEMENT

OF THE

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CLAIM

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OF THE

Rhode-Island Brigade,

COMPOSED OF THE THREE REGIMENTS
COMMANDED BY

Cols. *CRARY*, *TOPHAM*, and *ELLIOT*,

FOR THE

DEPRECIATION OF THEIR PAY

FOR THEIR

Services in the Continental Army

DURING THE LATE

REVOLUTIONARY WAR WITH

GREAT-BRITAIN;

FOR THE RECOVERY WHEREOF THE

MEMORIAL OF

Gen. *WILLIAM BARTON*,

AGENT FOR THE CLAIMANTS,

IS NOW BEFORE CONGRESS.

PROVIDENCE (R. I.)

PRINTED BY DAVID HAWKINS, JUN.

NOVEMBER—1806.

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STATEMENT

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THE troops raised by Rhode-Island, commonly called the Rhode-Island Brigade, found their Claims upon the United States to Depreciation on their Pay, on the following facts :

In December, 1776, a powerful force of British troops suddenly possessed themselves of the island of Rhode-Island, and, upon the alarming emergency, committees, from the legislatures of New-Hampshire, Massachusetts, Rhode-Island and Connecticut, in the same month, convened at Providence, to advise and agree upon some plan of defence. Those committees in concert, upon the circumstances of the occasion, resolved, that it was necessary that 6000 men should be raised and employed against the enemy; and recommended to their respective legislatures the immediate enlistment of their quotas. In pursuance of this arrangement, the legislature of Rhode-Island, the same month, passed an act for raising and equipping two regiments of infantry, and one of artillery, as their quota of the number of men recommended by the committees, to be employed *“ for the defence of the United States in general, and this (Rhode-Island) State in particular.”* These proposed measures of Rhode-Island being communicated to Congress, they, on the 15th of February following, “ Resolved, that considering the situation of the New-England States, Congress approve of the measures adopted by the committees from the four New-England States for the

defence of the State of Rhode-Island." Upon this, the State of Rhode-Island proceeded to enlist and equip the three regiments, who served fifteen months, being the term of their enlistment. In December, 1777, the legislature of Rhode-Island passed an act for the re-enlistment of those regiments for twelve months more; and on the 13th of January following, Congress thereupon "Resolved, That it be earnestly recommended to the States of New-Hampshire, Massachusetts-Bay, Rhode-Island and Connecticut, immediately to furnish and keep up constantly in the State of Rhode-Island and Providence Plantations, for the defence of the said State, their several quotas of troops, as adjusted by a resolution of a committee from said States, and the State of New-York, which met at Springfield the 30th July last." And on the next day they "Resolved, That Ebenezer Hancock, Esq. Deputy Paymaster-General of the Eastern District, be directed forthwith to appoint an Assistant Paymaster, constantly to attend and pay the army stationed at or near Providence for the defence of the State of Rhode-Island and Providence Plantations, applying to Congress from time to time for the necessary supplies of money for the same. And the commanding officer in said State be fully empowered to draw on the said Assistant Paymaster for the necessary supplies for the army aforesaid." And on the 13th of October of the same year, Congress resolved as follows: "The State of Rhode-Island having agreeably to the recommendation of the convention at Springfield, and the subsequent approbation of Congress, ordered a Brigade to be raised for twelve months from the 16th of March last, and

assigned the officers the same pay as those in the Continental service, did on the 31st of May last pass an order that the Agent Clothier should supply them with clothing. Resolved, that Congress do approve of said transaction, and the advance made in consequence thereof." In February, 1779, the General Assembly of Rhode-Island passed an act for the re-enlistment of those regiments to serve another year; and Congress on the 9th of April following, "Resolved, that Congress approve the raising of a Brigade of 1500 men by the State of Rhode-Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, *to be entitled to Continental pay, clothing and subsistence*, and a bounty not exceeding 150 dollars for every non-commissioned officer and soldier, *upon condition, that no further or other wages be allowed to the said men by the said State than is paid to the other Continental troops.*"

The troops, upon the faith and credit of the above acts and assurances, faithfully served the several terms of their enlistment, amounting in the whole to three years and three months; and during a greater part of that period, their stipulated monthly wages were paid in a rapidly depreciating and almost worthless paper currency. Such was the deficiency of their compensation, that nothing but their attachment to the cause in which they were employed, their zeal for the service of their country, and their confidence in its future justice and liberality, could possibly have induced them so often to have repeated their enlistment. They had reason to expect such compensation as their country should allow their

fellow-soldiers of the Continental army; but their expectations have hitherto been disappointed.

It is a fact, that the United States have granted all the officers and soldiers who enlisted immediately into their service, excepting the three regiments in question, full compensation for the depreciation of their pay. It is a fact, that the States have granted the same compensation to all their quotas of troops in the Continental line, and even in many instances to their militia. But it is a fact, that those three Rhode-Island regiments have never received any allowance for the depreciation of their pay.

Although the three regiments were three times originally engaged by the State of Rhode-Island, they were every time engaged for the Continental service, and Congress every time recognized and acknowledged them as Continental troops, ordering them to be paid, clothed and subsisted as such; and did actually clothe, subsist, and pay them their stipulated bounty and monthly wages, in like manner with the troops of the line. They were to all intents and purposes Continental troops, though not those termed of the line; and from the peculiar circumstance of their not being of the line, have proceeded all the difficulties that have unfortunately contributed to retard the justice due to their claims; and this circumstance has effectually frustrated every attempt to procure a proper adjustment according to the several acts of limitations passed by Congress, though all possible attention and exertions have been employed to that end.

The act of Congress of April 10, 1780, declares it to be "the determination of Congress, that all

the troops serving in the Continental army should be placed upon an equal footing." And according to the act of Congress of March 17, 1785, calling upon all persons having unliquidated claims against the United States, and requiring them to present the same, within twelve months, to some Commissioner in the State appointed to settle accounts against the United States, the present claimants' accounts were in October, 1785, presented to Mr. *Edward Chinn*, the Commissioner for Rhode-Island. But Mr. Chinn rejected the claims, as he considered himself not authorized by any act of Congress to liquidate them, the troops not having served three years, nor during the war, under one enlistment, and were therefore not of the line, though they had served three years and three months under three several enlistments. The same circumstances and reasons precluded the claimants from any benefit of the subsequent acts of Congress, of November, 1785, and July, 1787, limiting the times for presenting such claims. By the act of Congress of August, 1790, appointing Commissioners to settle the accounts of the United States with the States individually, it is enacted, "that it shall be the duty of the said Commissioners to receive and examine all claims which shall be exhibited to them before the first day of July, 1791; and to determine on all such as shall have accrued for the general or *particular* defence, during the war, and on the evidence thereof, according to the principles of general equity (although such claims *may not be sanctioned by the resolves of Congress*, or supported by regular vouchers) so as to provide for the final settlement of accounts between the

United States and the States individually. But no evidence of a claim heretofore admitted by a Commissioner of the United States, for any State or District, shall be subject to such examination, nor shall the claim of any citizen be admitted as a charge against the United States, *in the account of any State*, unless the same was allowed by such State before the 24th day of September, 1788." After the passing of this act, the Commissioners on the part of the State of Rhode-Island presented this claim, *in the State's account with the United States*, to the Commissioners on the part of the United States: But the claim was rejected on the ground that the State of Rhode-Island had not paid it, or assumed to pay it, previous to the 24th of September, 1788; the Commissioners deeming the charge to have remained on the footing of an *individual* claim, and their powers extending by the act of Congress only to the accounts of the *State*. Thus has every attempt to obtain a settlement of the claim proved unsuccessful. No Commissioners have ever been authorized to receive it, and Congress have never passed any act prescribing any mode of presenting it, or allowing any means for its adjustment.

The justice and equity of this claim upon the United States have never been disputed. The formalities of exhibiting it only have been questioned; and those difficulties have been utterly beyond the power of the claimants to prevent or obviate. There is no doubt, that both the State of Rhode-Island and the United States have pledged themselves for the payment of those troops, and are liable for the satisfaction of the present claim; the State of Rhode-Island, as the

original contracting party, and the United States, as having assumed the contract by express stipulation. In either case, according to the principles adopted for the final settlement of the accounts between the United States and the States individually, the payment should ultimately come from the United States. As this claim, upon the same principles, could not have been included in those accounts, it still remains an original, individual claim, independent of any settlement of accounts hitherto effected by Congress; and as Congress have never provided any mode of settlement, no act of Congress of course can have barred this claim.

As those troops were not of the *State's quota* in the Continental line, but were enlisted into the immediate service of the United States *alone*, their claims, as well for wages as for depreciation, were, and still are, immediately upon the United States. As they were not State troops, nor of the State's quota in the Continental line, their services or claims could not with propriety be included in the State's account with the United States: And it is immaterial to the interests of the United States, whether the payment is made immediately to the individual claimants or through the medium of the State of Rhode-Island, as it would have been if the State could have properly assumed it.

The claimants consider the faith and credit of the United States to be pledged in their favour; first, by the act of Congress of the 9th April, 1779, declaring the troops "to be entitled to Continental *pay*, clothing and subsistence;" and again, by the act of Congress of April 10th, 1780, declaring it to be "the determination of Congress,

that all the troops serving in the *Continental army* should be placed upon an equal footing." Those three regiments did serve in the "Continental army," under "Continental pay, clothing and subsistence;" but they have not yet been "placed upon an equal footing" with the rest of the "Continental army." If by any construction of the several statutes of limitation the present claims should be supposed to be barred, the claimants still consider their claims to be entitled, as well by the justice and equity of their case as by the aforementioned assurances of Congress, to a revival.—The acts of limitation were unquestionably prudent and proper, and in general they effected their necessary purpose; but the present claims, as has been before shewn, were never subject to the provisions of those acts, according to their tenor and import, whatever might have been the intentions of Congress when passing them.

If the acts of limitation shall be deemed to have barred these claims, no negligence or fault can be attached to the conduct of the claimants; and the honour and justice of Congress will never, through any inadvertencies of government, either of the United States or of Rhode-Island, deprive an individual of his right. To revive the force of these claims would have no consequences other than justice to the present claimants. It could open no door to the admission of any set of similar claims; for no similar claims are known to exist. No claimants of a similar description, who are yet unsatisfied, are named on the journals of Congress. Such a revival would be countenanced by precedents in abundance where Congress have relieved individual soldiers, of the Continental

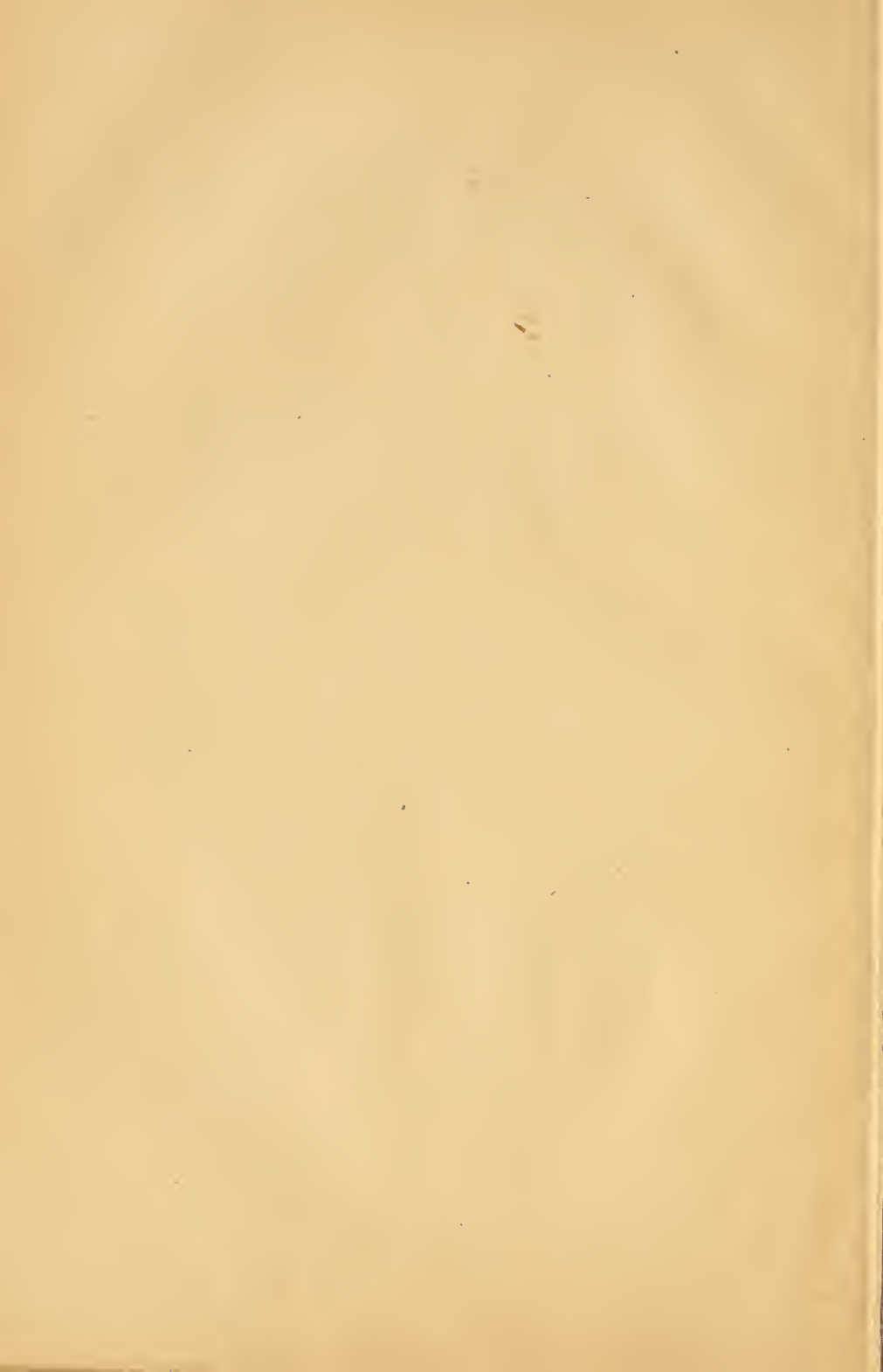
army, who had been excluded by the general regulations of compensation. Numerous instances may be seen on the pension list, where subsequent admissions have been made.

On these facts, and necessary inferences, the officers and soldiers of the Rhode-Island Brigade place their confidence in a favourable result to their claims. Patriot soldiers, for faithful, painful and perilous services, claim the wages their country has promised them. They are not a wanton, insolent soldiery, wresting from an oppressed and exhausted country an imperious exaction, or the means of perpetuating a military despotism. They are republican citizens, soliciting of a prosperous and wealthy nation the promised wages for those services that insured that nation's independence and happiness.—Amongst those claimants is seen the aged, the wounded and mutilated soldier, claiming a rightful due that has been twenty-five years detained from him: The indigent widow, claiming the humble pittance for which the life of him, who if he had lived would have been her support, was sacrificed: The poor orphan, waiting the allowance of a trivial sum, purchased at the expence of a father's life, and which was all the inheritance his father could bequeath him.

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